

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

In the Matter of:)	AMENDED COMPLAINT NO. 98-087
)	FOR
CENTRAL CONTRA COSTA)	ADMINISTRATIVE
SANITARY DISTRICT)	CIVIL LIABILITY
MARTINEZ)	
CONTRA COSTA COUNTY)	
_____)	

YOU ARE HEREBY GIVEN NOTICE THAT:

1. You are alleged to have violated provisions of the law, or orders of the Regional Water Quality Control Board, San Francisco Bay Region (Regional Board), for which the Regional Board may impose civil liability under Section 13385 of the Water Code.
2. Unless waived, a hearing on this matter will be held before the Regional Board on December 16, 1998 in the Auditorium located at 1515 Clay Street (ground floor) in Oakland, California. You or your representative(s), will have an opportunity to be heard and to contest the allegations in this Complaint and the imposition of civil liability by the Regional Board. An agenda showing the time set for the hearing will be mailed to you not less than 10 days before the hearing date. You must submit any written comments, including written copies of any reports, testimony, or other evidentiary material concerning this complaint to the Regional Board by December 3, 1998. Any written evidence not so submitted may not be considered by the Board.
3. At the hearing the Regional Board will consider whether to affirm, reject, or modify the proposed administrative liability, or whether to refer the matter to the Attorney General for recovery of judicial civil liability.

ALLEGATIONS

4. You are alleged to be in violation of Section 13376 of the Water Code, for violating the terms of waste discharge requirements. Specifically, you are alleged to have violated discharge Prohibitions A.2 and A.4 of Board Order No. 95-108 (NPDES Permit No. CA0037648). You are also alleged to have violated discharge Prohibition No. 15 of Basin Plan by discharging untreated wastewater to a storm drain system and waters of the State and United States. Water Code section 13385 provides for civil liability for each of these violations.
5. The following facts are the basis for the alleged violations in this matter:

- a. Central Contra Costa Sanitary District (CCCSD) operates a municipal wastewater treatment plant and twenty-one collection and pumping systems in the Central Contra Costa County. Orinda Crossroads Pumping Station (Pump Station) is one of the wastewater collection and pumping facilities serving a portion of the City of Orinda and the Town of Moraga.
- b. The Pump Station receives untreated wastewater within the Orinda Basin via a gravity sewer main and a force main from the CCCSD's Lower Orinda Pumping Station. There are five pump units installed on the site, one of which is a two-stage 3,000 gallons per minute (gpm) electrically driven pump. The two-stage pump unit consists of two individual pumps connected in series. Wastewater collected at the Pump Station is discharged into the Lafayette Basin, from where the wastewater flows by gravity to the treatment plant.
- c. On the evening of February 12, 1998, CCCSD experienced a catastrophic failure of the second stage of the 3,000 gpm pumps. Untreated wastewater continuously flushed out from the broken pump because the primary stage pump was not automatically shut down. The dry well was reportedly filled with untreated wastewater to a 10-foot depth before the flooding was stopped.
- d. As a result of flooding inside the dry well, all pumps became inoperable. Untreated wastewater was backed up in the influent sewers. To avoid potential hazards to the road traffic due to the overflow of wastewater in the street, CCCSD staff chose to discharge the wastewater from a manhole to San Pablo Creek via a storm drain. San Pablo Creek, a water of the State and the United States, is tributary to San Pablo Reservoir, a drinking water source.
- e. CCCSD expeditiously responded to the report of overflow. During the 31 hours of down time, CCCSD estimated that approximately one million gallons of untreated wastewater were discharged to San Pablo Creek. No attempt was made by CCCSD to recover the untreated wastewater from the creek. High levels of total and fecal coliform as well as elevated concentrations of ammonia and chemical oxygen demands were detected in the creek at downstream locations.
- f. CCCSD's redirection of untreated wastewater to San Pablo Creek via the storm drain constitutes an unauthorized discharge to the waters of the State and United States. A Notice of Violation (NOV) letter was issued to CCCSD on May 27, 1998.
- g. The violations resulted, in part, from insufficient maintenance and inspection of the Pump Station to inadequate upgrade of the pumping system to allow prompt and reliable isolation during emergencies like this incident.
- h. Although CCCSD acted responsively after it became aware of the flooding, proper oversight, inspection, maintenance, and upgrade of the Pump Station would have prevented the occurrence of the overflow.

6. Issuance of this Complaint is exempt from the provisions of the California Environmental Quality Act in accordance with Section 15321(a)(2), Title 14 of the California Code of Regulations.

PROPOSED CIVIL LIABILITY

7. The maximum civil liability which could be imposed by the Regional Board in this matter is \$10.02 million, calculated as follows:

\$10,000 for each day in which a violation of the permits occurred plus \$10 per gallon for the discharge volume that is not susceptible to cleanup and that exceeds 1,000 gallons. If this matter is referred to the Attorney General, higher liability of \$25,000 per day of violation and \$25 per gallon may be imposed.

8. In determining the amount of administrative civil liability, the following factors have been taken into consideration:

“The nature, circumstances, extent and gravity of the violation, and with respect to the violator, the ability to pay, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters that justice may require”.

9. This Complaint addresses the unauthorized discharge related to the February 12 and 13, 1998 overflow of untreated wastewater only. Other failure to comply with waste discharge requirements contained in Board Order No. 95-108 may subject CCCSD to further administrative civil liability; and/or other appropriate enforcement action(s).
10. The Executive Officer of the Regional Board proposes that an administrative civil liability be imposed by the Regional Board in the amount of \$55,700, which includes staff costs of \$9,800 in preparing this Complaint and the supporting information.
11. CCCSD, in a letter dated November 20, 1998 to the Regional Board, requested that \$45,900 of the above amount be used to fund a supplemental environmental project (SEP) acceptable to the Executive Officer.

The balance, being in the amount of \$9,800 in staff costs, must be submitted by CCCSD to the Regional Board and made payable to the State Cleanup and Abatement Account within 60 days after the Amended Complaint is signed by the Executive Officer.

12. CCCSD must submit to the Regional Board a proposal for such a SEP by January 29, 1999. If the proposed SEP is not acceptable, CCCSD has 30 days from receipt of notice of rejection of that submittal, to either submit a new or revised proposal or make payment for the full amount of \$45,900 to the State Cleanup and Abatement Account. The accepted SEP must be completed by December 31, 1999. Any money not used by that date must be submitted to the Regional Board and made payable to the State Cleanup and

Abatement Account or directed toward an alternative project acceptable to the Executive Officer. Regular reports on the SEP shall be provided to the Regional Board according to a schedule to be determined. The final report on the SEP shall be submitted to the Regional Board within 60 days of project completion.

WAIVER OF HEARING

You may waive the right to a hearing. If you wish to waive the hearing, an authorized person must check and sign the waiver and return it to the Regional Water Quality Control Board, San Francisco Bay Region, 1515 Clay Street, Suite 1400, Oakland, California 94612. Payment of the civil liability shall be made within 60 days after the date of the Complaint.

The waiver will not be effective until 30 days from the date the Executive Officer signs this Complaint to allow interested persons to comment on the action.

If you have any questions, please contact Dr. Teng-Chung Wu at (510) 622-2445, or Ms. Elizabeth Miller Jennings, Esq., the Regional Board Counsel at (916) 657-2421.

Date

Loretta K. Barsamian
Executive Officer

WAIVER

☐ By checking this box, I agree to waive my right to a hearing before the Regional Board with regard to the violations alleged in Amended Complaint No. 98-087, and to remit payment for the civil liability imposed and to include a proposal for supplemental environmental project(s) as mitigation for the amount of liability suspended. I understand that I am giving up my right to be heard, and to argue against the allegations made by the Executive Officer in this Complaint, and against the imposition of, or the

amount of, the civil liability proposed. I further agree to remit payment for the civil liability imposed within 60 days after this Compliant is signed by the Executive Officer.

Date

Discharger